

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RODNEY ROCHELLE WILLIAMS,

Plaintiff

v.

CIV 09-0745 MCA/CG

SHEILA MORRISON and
TORI SANDOVAL,

Defendants.

ORDER TO SHOW CAUSE

This matter is before the Court on Defendants' motion to dismiss, which they filed and mailed to Plaintiff's address of record on March 19, 2010. *See Doc. 39* at 5. The Court's "Notice Of Filing" likewise shows that notice was mailed to Plaintiff's address of record. *Id.* ("NEF"). To-date, Plaintiff has not filed a response to the motion. In the event Plaintiff has moved, he has not advised the Court of his new address as required by D.N.M.LR-Civ 83.6 ("All . . . parties appearing *pro se* have a continuing duty to notify the Clerk, in writing, of any change in . . . mailing addresses"). He is aware of this requirement because he has filed a change of address notice in the past. *See Doc. 34.* In addition, there is no indication that Court orders since the last change of address or Defendant's motion have been returned undeliverable. *See Docs. 34-39.* Moreover, the Court's local rules require that a response be filed within fourteen days of service of the motion, and that a failure to file a response "constitutes consent to grant the motion."

D.N.M.LR-Civ 7.1(b).

The Court has the inherent power to impose a variety of sanctions on litigants in order to, among other things, regulate its docket and promote judicial efficiency.

Martinez v. Internal Revenue Service, 744 F.2d 71, 73 (10th Cir. 1984). One such sanction within the discretion of the Court is to dismiss an action for want of prosecution. *E.g.*, *Nat'l Hockey League v. Metro. Hockey Club, Inc.*, 427 U.S. 639, 642-43(1976); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962); *see also Costello v. United States*, 365 U.S. 265, 286-87 (1961) (district court may dismiss *sua sponte* for failure to comply with order of court); *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 855 (10th Cir. 2005) ("dismissal is an appropriate disposition against a party who disregards court orders and fails to proceed as required by court rules.").

Based on Plaintiff's failure to comply with local rules and the lack of activity in this case, he will be required to show cause why this case should not be dismissed.

Wherefore,

IT IS HEREBY ORDERED THAT no later than Friday, May 14, 2010, Plaintiff file a written document with the Court showing cause why this case should not be dismissed and his current address. Plaintiff is also hereby notified that failure to respond to this Order may result in dismissal without further notice.



UNITED STATES MAGISTRATE JUDGE